



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

KUDIRKA & JOBSE, LLP
ONE STATE STREET
SUITE 800
BOSTON MA 02109

Applicant: Yang et al.
Appl. No.: 10/789,243
Filing Date: December 30, 2004
Title: STEERING OF DIRECTIONAL SOUND BEAMS
Attorney Docket No.: P0003/7001
Pub. No.: US 2004/0264707 A1
Pub. Date: December 30, 2004

COPY MAILED

NOV 23 2005

OFFICE OF PETITIONS

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), filed on March 2, 2005, for the above-identified application

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error, as on page 1, paragraph 007, the phrase “3-4kHz” is misprinted as “34kHz”.

37 CFR 1.221 (b) is applicable “only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable.” A material mistake must affect the public’s ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

The request for corrected publication received on March 2, 2005, was not timely filed under 37 CFR 1.221(b).

The error noted by requestor wherein the phrase “[h]uman hearing is more sensitive to stimuli having middle frequency components (i.e., 3-4 kHz) than low frequency components” is misprinted as “[h]uman hearing is more sensitive to stimuli having middle frequency components (i.e., 34 kHz) than low frequency components” in the background of the invention is an Office error but the mistake is a minor typographical error, which is clearly understandable to

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct 10, 2000) (final rule).

one of ordinary skill in reading the specification. The mistake is a minor typographical error in the background of the invention, which is clearly understandable from reading the specification in which the phrase is used, as terms are not read in a vacuum. Furthermore, the phrase states that human hearing is more sensitive to stimuli having middle frequency components, in which 34kHz is clearly outside the middle frequency and it is outside of human hearing. The frequency range of 3-4 kHz is well known to be the middle frequency range of human hearing. The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709 (voice).



Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy